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Assaf Morag

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EXAMINER

PORTER, RACHEL L

ART UNIT

PAPER NUMBER

3626

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DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/017,165 | Applicant(s) MORAG ET AL. | |
| | Examiner RACHEL L. PORTER | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 8/4/08. Claims 1-5,7-12,14-19, 21-26,28-33,35-40 and 42 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5,7-12,14-19, 21-26,28-33,35-40 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Teagarden et al (US 6014631A) in view of Walker et al (US 6,302,844)

[claim 1] Teagarden discloses a method of providing professional services, the method comprising the following performed by a data processing system:

- accepting entry of information associated with a matter of a person, wherein the information is entered via a client device in communication with the data processing system; (Figure 9; col. 13, lines 4-18)
- assigning the person to one of a plurality of pools of people based on the entered information; (col. 15, lines 38 –col.16, line 7)

- allowing the professional services provider qualified to advise people in the assigned pool to view the entered information; and (col. 14; lines 50-col. 15, line 10; col. 16, lines 1-25)
- providing a secure area within which the professional services provider provides information advising the person about the matter, wherein the secure area is accessible by the person via the client device. (col. 14, lines 67-col. 15, lines 24; col. 14; lines 50-65—communication networks and devices provided for each party)

Claim 1 has been amended to recite that the data is entered by the person (e.g. patient) via the client device. Claim 1 has been further amended to recite assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a professional services provider qualified to advise people in respective pool.”

Teagarden discloses that it is well-known in the art to enter a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 3, lines 54-67; col. 4, lines 31-67; Figure 3), as evidenced by the teachings of Iliff US 5,660,176.

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a professional services provider qualified to advise people in respective pool. Walker discloses a method/system wherein assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool. (col. 13, line 48-col. 14, line 18). At the time of the Applicant’s invention, it would have been obvious to one of ordinary skill in the art to

modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data.

(col. 1, lines 5-9)

[claim 2] Teagarden discloses the method according to claim 1, further comprising allowing the person to access the secure area and view the information provided by the professional services provider. (col. 16, lines 26-35)

[claim 3] Teagarden discloses the method according to claim 1, further comprising notifying the person that the professional services provider has provided information about the matter within the secure area. (col. 16, lines 26-35; 49-60)

[claim 4] Teagarden discloses a method according to claim 1, wherein the information is entered by the person in a predetermined, structured format. (col. 13, lines 4-18)

[claim 5] Teagarden discloses a method according to claim 1, further comprising the following performed prior to accepting entry of information associated with a matter of a person: identifying the person; and verifying that the person is eligible to receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 7] Teagarden discloses a method of providing healthcare services to patients, the method comprising the following performed by a data processing system:

- accepting entry of information about a medical condition of a patient, wherein the information is entered via a client device in communication with the data processing system;(Figures 9, 12; col. 13, lines 4-18; col. 14, lines 49-65)
- assigning the patient to one of a plurality of pools of patients based on the entered patient information; (col. 15, line 38 –col.16, line 7)
- allowing the healthcare provider qualified to treat patients in the assigned pool to view the patient information; (col. 14; lines 50-65; col. 16, lines 8-25)
- and providing a secure area within which the healthcare provider provides a diagnosis or treatment recommendation for the medical condition of the patient, or a combination thereof, wherein the secure area is accessible by the patient via the client device. (col. 14, lines 67-col. 15, lines 24; col. 14; lines 50-65—communication networks and devices provided for each party)

Claim 7 has been amended to recite that the data is entered by the person (e.g. patient) via the client device. Claim 7 has been further amended to recite assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a healthcare provider qualified to treat patients in respective pools.”

Teagarden discloses that it is well-known in the art to enter a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 3, lines 54-67; col. 4, lines 31-67; Figure 3), as evidenced by the teachings of Iliff US 5,660,176.

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16,

lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a healthcare provider qualified to treat patients in respective pools. Walker discloses a method/system one or more attributes of a healthcare provider qualified to treat patients in respective pools. (col. 13, line 48-col. 14, line 18). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

[claim 8] Teagarden discloses the method according to claim 7, further comprising allowing the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider. (col. 16, lines 26-35)

[claim 9] Teagarden discloses the method according to claim 7, further comprising notifying the patient that the healthcare provider has provided the diagnosis or treatment recommendation for the medical condition of the patient within the secure area. (col. 16, lines 26-35; 49-60)

[claim 10] Teagarden discloses the method according to claim 7, wherein the information is entered by the patient in a predetermined, structured format. (col. 13, lines 4-18)

[claim 11] Teagarden discloses the method according to claim 7, wherein a treatment recommendation provided by the healthcare provider includes a medication

prescription, and further comprising communicating the medication prescription to a pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 12] Teagarden discloses the method according to claim 7, further comprising the following performed prior to accepting entry of information about a medical condition of a patient: identifying the patient; and verifying that the patient is eligible to receive healthcare services. (Figure 13; col. 16, lines 8-10)

[claim14] Teagarden teaches the method according to claim 8, wherein allowing the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider comprises allowing the patient to select a specific medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col. 18, line 7)

[claims 15-19]

System claims 15-19 repeat the subject matter of claims 1-5 as a set of “means-plus-function” elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Teagarden in the above rejection of claims 1-5, it is readily apparent that the Teagarden reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 1-5, and incorporated herein.

[claims 21-26, and 28]

System claims 21-26, and 28 repeat the subject matter of claims 7-12, and 14 as a set of “means-plus-function” elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Teagarden in the above rejection of claims 7-12, and 14, it is readily apparent that the Teagarden reference includes a system to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claims 7-12, and 14, and incorporated herein.

[claim 29] Teagarden teaches a computer program product that facilitates the provision of professional services, the computer program product comprising a computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information associated with a matter of a person, wherein the information is entered via a client device in communication with the data processing system; (Figure 9; col. 13, lines 4-18)
- computer readable program code that assigns the person to one of a plurality of pools of people based on the entered information; (col. 15, line 38 –col.16, line 7)
- computer readable program code that allows the professional services provider qualified to advise people in the assigned pool to view the entered information; and (col. 14; lines 50-65; col. 16, lines 8-25)

- computer readable program code that provides a secure area within which the professional services provider provides information advising the person about the matter, wherein the secure area is accessible by the person via the client device. (col. 14, lines 67-col. 15, lines 24; col. 14; lines 50-65—communication networks and devices provided for each party)

Claim 29 has been amended to recite that the data is entered by the person (e.g. patient) via the client device. Claim 29 has been further amended to recite assigning the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a professional services provider qualified to advise people in respective pool.”

Teagarden discloses that it is well-known in the art to enter a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 3, lines 54-67; col. 4, lines 31-67; Figure 3), as evidenced by the teachings of Iliff US 5,660,176.

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a professional services provider qualified to advise people in respective pool.

Walker discloses a method/system wherein assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool. (col. 13, line 48-col. 14, line 18). At the time of the

Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data.
(col. 1, lines 5-9)

[claim 30] Teagarden discloses a computer program product according to claim 29, further comprising computer readable program code that allows the person to access the secure area and view the information provided by the professional services provider.
(col. 16, lines 26-35)

[claim 31] Teagarden discloses a computer program product according to claim 29, further comprising computer readable program code that notifies the person that the professional services provider has provided information about the matter within the secure area. (col. 16, lines 26-35; 49-60)

[claim 32] Teagarden discloses a computer program product according to claim 29, wherein the information is entered by the person in a predetermined, structured format.
(col. 13, lines 4-18)

[claim 33] Teagarden discloses the computer program product according to claim 29, further comprising: computer readable program code that identifies the person; and computer readable program code that verifies that the person is eligible to receive professional services. (Figure 13; col. 16, lines 8-10)

[claim 35] Teagarden discloses a computer program product that facilitates the provision of healthcare services to patients, the computer program product comprising a computer usable storage medium having computer readable program code embodied in the medium, the computer readable program code comprising:

- computer readable program code that accepts entry of information about a medical condition of a patient, wherein the information is entered via a client device in communication with the data processing system; (Figures 9, 12; col. 13, lines 4-18; col. 14, lines 49-65)
- computer readable program code that assigns the patient to one of a plurality of pools of patients based on the entered patient information; (col. 15, lines –col.16, line 7)
- computer readable program code that allows a healthcare provider qualified to treat patients in the assigned pool to view the patient information; and (col. 14; lines 50-65; col. 16, lines 8-25)
- computer readable program code that provides a secure area within which the healthcare provider provides a diagnosis or treatment recommendation for the medical condition of the patient, wherein the secure area is accessible by the patient via the client device. (col. 14, lines 67-col. 15, lines 24; col. 14; lines 50-65—communication networks and devices provided for each party)

Claim 35 has been amended to recite that the data is entered by the person (e.g. patient) via the client device. Claim 35 has been further amended to recite assigning

the person (e.g. patient) to one of a plurality of pools based upon “one or more attributes of a healthcare provider qualified to treat patients in respective pools.”

Teagarden discloses that it is well-known in the art to enter a patient’s (i.e. person’s) healthcare and demographic information via a client device (col. 3, lines 54-67; col. 4, lines 31-67; Figure 3), as evidenced by the teachings of Iliff US 5,660,176.

Teagarden further discloses a method wherein assigning the person/patient to a pool is based upon one or more attributes of the person/patient. (see Abstract, col. 16, lines 1-20), but does not expressly disclose assigning based upon one or more attributes of a healthcare provider qualified to treat patients in respective pools. Walker discloses a method/system one or more attributes of a healthcare provider qualified to treat patients in respective pools. (col. 13, line 48-col. 14, line 18). At the time of the Applicant’s invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Teagarden with the teaching Walker, with the motivation of facilitating the provision of an expert diagnosis opinion based upon gathered data. (col. 1, lines 5-9)

[claim 36] Teagarden discloses the computer program product according to claim 35, further comprising computer readable program code that allows the patient to access the secure area and view the diagnosis or treatment recommendation provided by the healthcare provider. (col. 16, lines 26-35)

[claim 37] Teagarden discloses the computer program product according to claim 35, further comprising:

computer readable program code that notifies the patient that the healthcare provider has provided the diagnosis or treatment recommendation for the medical condition of the patient within the secure area. (col. 16, lines 26-35; 49-60)

[claim 38] Teagarden discloses the computer program product according to claim 35, wherein the information is entered by the patient in a predetermined, structured format. (col. 13, lines 4-18)

[claim 39] Teagarden discloses the computer program product according to claim 35, wherein a treatment recommendation provided by the healthcare provider includes a medication prescription, and further comprising computer readable program code that communicates the medication prescription to a pharmacy for fulfillment. (col. 17, lines 64-col. 18, line 7)

[claim 40] Teagarden discloses the computer program product according to claim 35, further comprising: computer readable program code that identifies the patient; and computer readable program code that verifies that the patient is eligible to receive healthcare services. (Figure 13; col. 16, lines 8-10)

[claim 42] Teagarden discloses the computer program product according to claim 36, wherein the computer readable program code that allows the patient to access the secure area and view the diagnosis and/or treatment recommendation provided by

the healthcare provider comprises computer readable program code that allows the patient to select a specific medication prescription for treating the patient. (col. 16, lines 26-35; col. 17, lines 46-col. 18, line 7)

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues newly added limitations. The Examiner has provided additional citations and a new reference to address the newly added features.

The rejections of the claims under 35 USC 112, 2nd paragraph have been withdrawn.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAlindon et al (US 7251609); DiRienzo (US 6,006,191); Goldenberg (US 20020065682 A1).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. L. P./
Examiner, Art Unit 3626

/Robert Morgan/
Primary Examiner, Art Unit 3626